

I. (a) PLAINTIFFS

DEFENDANTS

16

5814

County of Residence of First Listed Defendant Berks
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorneys (Firm Name, Address, and Telephone Number)
KML Law Group, P.C. – Rebecca A. Solarz, Esquire
701 Market Street, Ste. 5000, Phila., PA 19106
215-627-1322, rsolarz@kmlawgroup.com

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

X-1	U.S. Government Plaintiff	3 Federal Question <i>(U.S. Government Not a Party)</i>
2	U.S. Government Defendant	4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff
(For Diversity Cases Only) and One Box for Defendant)

(For Diversity Cases Only)		(And One Box for Plaintiff's Demand for Jury Trial)	
	PTF	DEF	
Citizen of This State	1	X	1
Citizen of Another State	2		2
Citizen or Subject of a Foreign Country	3		3

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

CONTRACT		TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
110 Insurance	PERSONAL INJURY 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 362 Personal Injury - Medical Malpractice	PERSONAL INJURY 365 Personal Injury - Product Liability 367 Health Care/Pharmaceutical Personal Injury Product Liability PERSONAL PROPERTY 370 Other Fraud 371 Truth in Lending 380 Other Personal Property Damage 385 Property Damage Product Liability	625 Drug Related Seizure of Property 21 USC 881	422 Appeal 28 USC 158	375 False Claims Act		
120 Marine			690 Other	423 Withdrawal 28 USC 157	400 State Reapportionment		
130 Miller Act					410 Antitrust		
140 Negotiable Instrument					430 Banks and Banking		
150 Recovery of Overpayment & Enforcement of Judgment					PROPERTY RIGHTS	450 Commerce	
151 Medicare Act					820 Copyrights	460 Deportation	
X 152 Recovery of Defaulted Student Loans (Excludes Veterans)					830 Patent	470 Racketeer Influenced and Corrupt Organizations	
153 Recovery of Overpayment of Veteran's Benefits					840 Trademark	480 Consumer Credit	
160 Stockholders' Suits					LABOR	490 Cable/Sat TV	
190 Other Contract					710 Fair Labor Standards Act	861 HIA (1395ff)	850 Securities/Commodities/Exchange
195 Contract Product Liability					720 Labor/Management Relations	862 Black Lung (923)	890 Other Statutory Actions
196 Franchise					740 Railway Labor Act	863 DIWC/DIWW (405(g))	891 Agricultural Acts
					751 Family and Medical Leave Act	864 SSID Title XVI	893 Environmental Matters
					790 Other Labor Litigation	865 RSI (405(g))	895 Freedom of Information Act
			791 Employee Retirement Income Security Act	SOCIAL SECURITY	896 Arbitration		
				FEDERAL TAX SUITS	899 Administrative Procedure Act/Review or Appeal of Agency Decision		
				870 Taxes (U.S. Plaintiff or Defendant)	950 Constitutionality of State Statutes		
				871 IRS—Third Party 26 USC 7609			
			IMMIGRATION				
			462 Naturalization Application				
			465 Other Immigration Actions				
</							

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding	2 Removed from State Court	3 Remanded from Appellate Court	4 Reinstated or Reopened	5 Transferred from Another District (specify)	6 Multidistrict Litigation
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VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:

28 U.S.C. 1345

Brief description of cause:

Enforced Collections

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: Yes ☐ **X** No ☒

**VIII. RELATED CASE(S)
IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

NOV - 9 2016

DATE _____

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

JLS

UNITED STATES DISTRICT COURT

16

5314

FOR THE EASTERN DISTRICT OF PENNSYLVANIA – DESIGNATION FORM to be used by counsel to indicate the category of the case of the purpose of assignment to appropriate calendar.

Address of Plaintiff: c/o Suite 5000 – BNY Independence Center, 701 Market Street, Philadelphia, PA 19106-1532

Address of Defendants: 845 Schuylkill Avenue Reading, PA 19601

Place of Accident, Incident or Transaction: ACTION OF ENFORCED COLLECTIONS

(Use Reverse Side For Additional Space)

Does this case involve multi-district litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge: _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL. (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases

1. ☒ Indemnity Contract, Marine contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases

(Please specify) **Foreclosure of property encumbered by a federal mortgage.**

B. Diversity Jurisdiction Cases:

1. Insurance contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability – Asbestos
9. All other diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Rebecca A. Solarz, Esq., counsel of record do hereby certify:

- ☐ Pursuant to Local civil Rule 52.2, Section 2©(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs.
- ☐ Relief other than monetary damages is sought.

DATE: 10/31/16

Attorney-at-Law

(sig)

Attorney i.d.# 315936

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 39.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 10/31/16

Attorney-at-Law

(sig)

Attorney i.d.# 315936

NOV - 9 2016

JLS

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

Plaintiff

CIVIL ACTION NO.

vs.

ROBERTO CRUZ

Defendant

16

5814

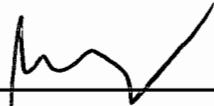
In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that the defendants do not agree with the plaintiff regarding said designation, that the defendants shall, with their first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which those defendants believe the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

10/31/2016

Date


Rebecca A. Solarz, Esq.**Attorney for Plaintiff, United States of America**

Pennsylvania Attorney I.D. No. 315936

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NOV - 9 2016

JLS

UNITED STATES DISTRICT COURT

FOR THE

EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

vs.

ROBERTO CRUZ

Defendant

16 5814
CIVIL NO.

COMPLAINT

The United States of America, on behalf of its Agency, U.S. Department of Education, by its specially appointed counsel, Rebecca A. Solarz of KML LAW GROUP, P.C., represents as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. 1345.
2. The last-known address of the Defendant, ROBERTO CRUZ ("Defendant") is 845 Schuylkill Avenue, Reading, PA 19601.
3. That the defendant is indebted to the plaintiff in principal amount of \$2,615.99, plus interest of \$5,592.55, for a total of \$8,208.54. A true and correct copy of the Certificate of Indebtedness is attached as Exhibit "A" ("Certificate of Indebtedness").
4. Demand has been made upon Defendant by Plaintiff for the sum due but the amount due remains unpaid.

WHEREFORE, the plaintiff demands judgment against Defendant as follows;

(A) In the amount \$8,208.54.

(B) Plus filing fee allowed pursuant to 28 U.S.C., Section 1914 in the sum of \$150.00.

(C) Interest from the date of judgment at the legal rate of interest in effect on the date of judgment until paid in full.

(D) Costs of suit.

Notice is hereby given to Defendant that Plaintiff intends to seek satisfaction of any judgment rendered in its favor in this action from any debt accruing.

United States of America by and through
its specially appointed counsel
KML Law Group, P.C.

By: 

Rebecca A. Solarz, Esquire
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(215)825-6327
rsolarz@kmlawgroup.com

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

Plaintiff

vs.

ROBERTO CRUZ

Defendant

CIVIL NO.

EXHIBITS

“A” CERTIFICATE OF INDEBTEDNESS

U. S. DEPARTMENT OF EDUCATION
SAN FRANCISCO, CALIFORNIA

CERTIFICATE OF INDEBTEDNESS #1 OF 1

Roberto Cruz
845 Schuylkill Ave
Reading, PA 19601-2319
Account No. xxx-xx-6991

I certify that U. S. Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 10/27/16.

On or about 04/10/86 the borrower executed promissory note(s) to secure loan(s) of \$2,500.00 from Florida Federal Savings and Loan Assn. (St. Petersburg, Florida). This loan was disbursed for \$2,500.00 on 05/13/86 at 8.00% interest per annum. The loan obligation was guaranteed by Higher Education Assistance Foundation (HEAF), and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. § 1071 *et seq.* (34 C.F.R. Part 682). The holder demanded payment according to the terms of the note, and credited \$135.02 to the outstanding principal owed on the loan. The borrower defaulted on the obligation on 03/03/89, and the holder filed a claim on the loan guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$2,617.24 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to 34 C.F.R. § 682.410(b)(4), once the guarantor pays on a default claim, the entire amount paid becomes due to the guarantor as principal. The guarantor attempted to collect this debt from the borrower. The guarantor was unable to collect the full amount due, and on 06/11/93, assigned its right and title to the loan to the Department.

Since the assignment of the loan, the Department has credited a total of \$170.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the borrower now owes the United States the following:

Principal:	\$ 2,615.99
Interest:	\$ 5,592.55

Total debt as of 10/27/16:	\$ 8,208.54
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Interest accrues on the principal shown here at the rate of \$0.57 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 10/27/16



Christopher Bolander
Loan Analyst/Litigation Support